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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
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10 NEW YORK LIFE INSURANCE
COMPANY,

11 Plaintiff(s),

12 v.

13 MICHAEL CRAIG POWELL, et al.,

14 Defendant(s).
15

CASE NO. 3:12-cv-05184-RBL

MINUTE ORDER REGARDING
INITIAL DISCLOSURES, JOINT
STATUS REPORT, AND EARLY
SETTLEMENT

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17 **I. INITIAL SCHEDULING DATES**
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19 Pursuant to the December 1, 2000 revisions to the Federal Rules of Civil
20 Procedure, the Court sets the following dates for submission of the Joint Status
21 Report and Discovery Plan:

22 Deadline for FRCP 26(f) Conference: 05/21/2012

23 Initial Disclosures Pursuant to FRCP 26(a)(1): 05/29/2012

24 Combined Joint Status Report and Discovery 06/04/2012
25 Plan as Required by FRCP 26(f) and Local
26 Rule CR 16:

1 *Pro Se parties are STRONGLY ENCOURAGED to electronically file all*
 2 *documents with the Court for the following reasons: Electronically filed*
 3 *pleadings are instantly filed and the Court has instant access to review*
 4 *and consider pleadings. Pleadings filed in paper form have to be labeled,*
 5 *scanned, and then docketed in the Clerk's Office. That can, and likely*
 6 *will, result in a a delay of several days before the document is posted on*
 7 *the docket sheet, which will result in a delay before the Court will be*
 8 *able to review and consider the pleadings.*

9 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

10 All counsel and any pro se parties are directed to confer and provide the
 11 Court with a combined Joint Status Report and Discovery Plan (the "Report") by
 12 **06/04/2012**. This conference shall be done by direct and personal communication,
 13 whether that be a face-to-face meeting or a telephonic conference. The Report
 14 will be used in setting a schedule for the prompt completion of the case. It
 15 must contain the following information by corresponding paragraph numbers:
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- 17 1. A statement of the nature and complexity of the case.
- 18 2. The results of the FRCP 26(f) conference.
- 19 3. A proposed deadline for joining additional parties.
- 20 4. A statement of which ADR method (mediation, arbitration, or other)
- 21 should be used. The alternatives are described in Local Rule CR 39.1 and in the
- 22 ADR Reference Guide, which is available from the clerk's office. If the parties
- 23 believe that there should be no ADR, the reasons for that belief should be stated.
- 24 5. Unless all parties agree that there should be no ADR, a statement
- 25 of when mediation or another ADR proceeding under Local Rule CR 39.1 should
- 26

1 take place. In most cases, the ADR proceeding should be held within four months
2 after the Report is filed. It may be resumed, if necessary, after the first session.

3 6. A proposed discovery plan that indicates:

4 (a) The date on which the FRCP 26(f) conference and FRCP 26(a)
5 initial disclosures took place;

6 (b) The subjects on which discovery may be needed and whether
7 discovery should be conducted in phases or be limited to or focused upon
8 particular issues;

9 (c) What changes should be made in the limitations on discovery
10 imposed under the Federal and Local Civil Rules, and what other limitations
11 should be imposed;

12 (d) A statement of how discovery will be managed so as to minimize
13 expense (e.g., by forgoing or limiting depositions, exchanging documents
14 informally, etc.); and

15 (e) Any other orders that should be entered by the Court under FRCP
16 26(c) or under Local Rule CR 16(b) and (c).

17 7. The date by which the remainder of discovery can be completed.

18 8. Do the parties consent to assignment of this case to a full-time United
19 States Magistrate Judge pursuant to 28 U.S.C. § 636(c) and Local MJR 13 to
20 conduct all proceedings? Agreement in the Joint Status Report will constitute the
21 parties' consent to referral to U.S. Magistrate Judge J. Richard Creatura.

22 9. Whether the case should be bifurcated by trying the liability issues
23 before the damages issues, or bifurcated in any other way.

24 *If counsel OR pro se parties do consent, each attorney/party MUST sign the document.
25
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1 10. Whether the pretrial statements and pretrial order called for by Local
2 Rules CR 16(e), (h), (i) and (1), and 16.1 should be dispensed with in whole or in
3 part for the sake of economy. (*The court will make the final determination.*)

4 11. Any other suggestions for shortening or simplifying the case.

5 12. The date the case will be ready for trial, keeping in mind that THIS
6 CASE should be resolved within 15 months of filing of the complaint unless
7 the case is unusually complex.

8 13. Whether the trial will be jury or non-jury.

9 14. The total number of trial days required.

10 15. The dates on which trial counsel may have complications to be
11 considered in setting a trial date.

12 16. Whether this case should be considered for designation for trial at the
13 Federal Building in Vancouver, WA.*

14 17. If on the due date of the Report, **all** defendant(s) or respondent(s)
15 have not been served, counsel for plaintiff shall advise the Court when service
16 will be effected, why it was not made earlier, and shall provide a proposed
17 schedule for the required FRCP 26(f) conference and FRCP 26(a) initial
18 disclosures.
19

20 18. List the date(s) that each and every nongovernmental corporate party
21 filed its disclosure statement pursuant to Fed.R.Civ.P.7.1.
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23 If the parties are unable to agree on any part of the Report, they may answer
24 in separate paragraphs. **SEPARATE REPORTS SHOULD NOT BE FILED.**

25 *Counsel should note that the courtroom at the Federal Building in Vancouver cannot
26 accomodate a jury trial.

1 The time for filing the Report may be extended only by court order. Any
2 request for extension should be made by telephone to Debbie Nelson at
3 (253) 882–3840.

4 If the parties wish to have a status conference with the Court at any time
5 during the pendency of this action, they should notify the courtroom clerk,
6 Jean Boring by telephone at (253) 882–3823.

7 **III. PLAINTIFF'S RESPONSIBILITY**

8 This Order is issued at the outset of the case, and a copy is delivered by the
9 Clerk to counsel for plaintiff (or plaintiff, if pro se) and any defendants who have
10 appeared. Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies
11 of this Order on all parties who appear after this order is filed within ten (10) days
12 of receipt of service of each appearance. Plaintiff's counsel (or plaintiff, if pro se)
13 will be responsible for starting the communications needed to comply with this
14 Order.
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16 **IV. PRIVACY POLICY**

17 Pursuant to the General Order of the Court regarding Public Access to
18 Electronic Case Files (filed 5/29/2003), parties are to redact the following
19 information from documents and exhibits before they are filed with the court:
20

- 21 • Dates of Birth – redact to the year of birth
- 22 • Names of Minor Children – redact to the initials
- 23 • Social Security Numbers – redact to the last four digits
- Financial Accounting Information – redact to the last four digits
- Passport Numbers and Driver License Numbers – redact in their entirety

24 **V. EARLY SETTLEMENT CONSIDERATION**

25 Early settlement of cases, before they become costly and time–consuming,
26 is beneficial to all parties and to the Court. The Federal Bar Association

1 Alternative Dispute Resolution Task Force Report for this district stated
2 the following:

3 [T]he major ADR related problem is not the percentage of civil
4 cases that ultimately settle, since statistics demonstrate that
5 approximately 95% of all cases are resolved without trial. However,
6 the timing of settlement is a major concern. Frequently, under our
7 existing ADR system, case resolution occurs far too late, after the
8 parties have completed discovery and incurred substantial
9 expenditure of fees and costs.

10 The judges of this district have adopted a resolution "approving the Task
11 Force's recommendation that court-connected ADR services be provided as
12 early, effectively, and economically as possible in every suitable case."

13 **If settlement is achieved, counsel shall notify Jean Boring by telephone
14 at (253) 882-3823.**

15 VI. FILING OF ORDERS

16 Counsel should note, when a motion, stipulation or other document is filed
17 to the court docket which requires a judge's signature, a proposed order
18 must be prepared and attached to the motion/stipulation or other document.

19 A copy of that order must also be emailed to the Judge's Orders Box in either
20 word or word perfect format per CM/ECF filing requirements. The email address
21 for Judge Leighton's orders box is: leightonorders@wawd.uscourts.gov.

22 ** Remember to put the case number and name of the proposed order in the subject line of
23 the email.

24 VII. SANCTIONS

25 A failure by any party to comply fully with this order may result in the
26 imposition of sanctions.

Please note that all counsel should be registered for electronic service of

1 documents. Electronic filing became mandatory as of June 1, 2004. Assistance is
2 available from the Court by contacting the help desk at 1-866-323-9293.
3 More information about electronic filing may be obtained through the Court's
4 website at www.wawd.uscourts.gov.

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6 DATED: March 6, 2012

7 The foregoing Minute Order entered by Debbie Nelson, Judicial Assistant,
8 BY THE DIRECTION OF THE HONORABLE RONALD B. LEIGHTON,
9 UNITED STATES DISTRICT JUDGE.
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